



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>	<b>FINANCING AUTHORITY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair	Dennis Kennedy, President
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair	Greg Sellers, Vice-President
Larry Carr, Council Member	Larry Carr, Agency Member	Larry Carr, Authority Commissioner
Hedy Chang, Council Member	Hedy Chang, Agency Member	Hedy Chang, Authority Commissioner
Steve Tate, Council Member	Steve Tate, Agency Member	Steve Tate, Authority Commissioner

**WEDNESDAY, MARCH 3, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**and**

**MORGAN HILL FINANCE AUTHORITY COMMISSION**

**6:00 P.M.**

***A Special Meeting of the City Council, Redevelopment Agency, and Morgan Hill Financing Authority Commission is called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and City/Agency/Commission Business.***

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**Dennis Kennedy, Mayor, Chairman, and  
President of the Financing Authority Commission**

City of Morgan Hill  
Special and Regular City Council,  
Special Redevelopment Agency and  
Morgan Hill Financing Authority Commission Meeting  
March 3, 2004  
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**CALL TO ORDER**

(Mayor/Chairperson/President Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary/Authority Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary/ Authority Secretary Torrez)

**6:00 P.M.**

***City Council Action and Redevelopment Agency Action***

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 4

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORT**

Mayor Kennedy

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 1 - 9**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. **REGIONAL WATER QUALITY CONTROL BOARD DIRECTION TO OLIN REGARDING TESTING FOR NORTHEAST GROUNDWATER FLOW** ..... 1  
**Recommended Action(s): Information Only.**
2. **SUBDIVISION APPLICATION, SD-03-14: MISSION VIEW DRIVE-MISSION RANCH** ..... 7  
**Recommended Action(s): Take No Action.** Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.
3. **HOUSING REHABILITATION FOR COMMUNITY SOLUTIONS** ..... 33  
**Recommended Action(s):**
  1. **Approve** an Additional \$45,000 Home Improvement Loan under the Agency's Housing Rehabilitation Loan Program for Community Solutions;
  2. **Authorize** the City Manager to Amend a \$33,000 1994 Community Development Block Grant (CDBG) Rehabilitation Loan to Allow the Loan to be Forgiven in 10 years; and
  3. **Authorize** the City Manager to do Everything Necessary to Prepare and Execute Loan Documents and Amend Existing Documents.
4. **VALLEY TRANSPORTATION PLAN, VTP 2030 LOCAL STREETS AND COUNTY ROADS PROGRAM – BUTTERFIELD BOULEVARD EXTENSION FROM TENNANT AVENUE TO WATSONVILLE ROAD** ..... 35  
**Recommended Action(s):**
  1. **Recommend** Butterfield Boulevard Extension from Tennant Avenue to Watsonville Road Project as City's VTP 2030 Local Streets and County Roads Program Project; and
  2. **Commit** Future Local Funding Match with Traffic Impact Funds.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

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5. **APPROVAL OF FINAL MAP FOR MORGAN LANE PHASE III (TRACT 9551)**..... 37  
**Recommended Action(s):** Authorize the Recordation of the Final Map Following Recordation of the Development Improvement Agreement.
6. **AMENDMENT TO PLANNING DIVISION CONTRACT SERVICES BUDGET FOR UNANTICIPATED ENVIRONMENTAL CONSULTING SERVICES**..... 41  
**Recommended Action(s):**
  1. Approve the Appropriation of \$50,000 from the Community Development Fund Balance (206) to Fund Unanticipated Environmental Consulting Services; and
  2. Authorize the City Manager to Execute an Amended Contract in an Amount not to exceed \$50,000 with David J. Powers & Associates.
7. **ADOPT ORDINANCE NO. 1655, NEW SERIES** .....45  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1655, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A PRECISE DEVELOPMENT PLAN CHANGING THE ZONING FROM R2-3,500 TO R2-3,500 RPD ON A 6.6-ACRES LOT AT THE NORTHEAST CORNER OF SAN PEDRO AVENUE AND BUTTERFIELD BOULEVARD (APN 817-11-061, ZA-03-14: SAN PEDRO-DICONZA).**
8. **ADOPT ORDINANCE NO. 1656, NEW SERIES** .....51  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1656, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA-03-11 FOR APPLICATION MP 02-07: CORY-SAN PEDRO PARTNERS. (APN 817-11-061)**
9. **APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF FEBRUARY 20, 2004** ..... 75

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 10**

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

10. **JANUARY 2004 FINANCE & INVESTMENT REPORT** ..... 77  
**Recommended Action(s):** Accept and File Report.

## ***City Council, Redevelopment Agency and Financing Authority Action***

### **CONSENT CALENDAR:**

#### **ITEM 11**

**Time Estimate**

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**Consent Calendar: 1 - 10 Minutes**

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| 11. | <b><u>APPROVE MINUTES FOR SPECIAL AND REGULAR CITY COUNCIL, SPECIAL REDEVELOPMENT AGENCY, AND MORGAN HILL FINANCING AUTHORITY MEETING OF FEBRUARY 18, 2004</u></b> | 87 |
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## ***City Council Action***

### **PUBLIC HEARINGS:**

**Time Estimate**

**Page**

- |     |            |   |     |
|-----|------------|---|-----|
| 12. | 4 Minutes  | <b><u>DEVELOPMENT AGREEMENT APPLICATION, DA-03-13: MISSION VIEW DRIVE-MISSION RANCH</u></b> ..... 129<br>Public Hearing Opened.<br>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed<br>Council Discussion.<br>Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Ordinance.<br>Action- <b><u>Motion to Introduce</u></b> Development Agreement Ordinance by Title Only. (Roll Call Vote) | 129 |
| 13. | 15 Minutes | <b><u>ANNEXATION APPLICATION, ANX-01-01: CAMPOLI-COX</u></b> ..... 159<br>Public Hearing Opened.<br>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed<br>Council Discussion.<br>Action- <b><u>Adopt</u></b> Resolution for Annexation.  | 159 |

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
14.	30 Minutes	<b><u>ZONING AMENDMENT, ZA-03-15; SUBDIVISION, SD-03-13; DEVELOPMENT AGREEMENT, DA-03-12: PEET-LUPINE</u></b> .....	175
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of the Zoning Amendment Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
		Action- <b><u>Adopt</u></b> the Subdivision Resolution, Upholding the Planning Commission's Decision.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of the Development Agreement Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> the Development Agreement Ordinance by Title Only. (Roll Call Vote)	

***Redevelopment Agency Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
15.	15 Minutes	<b><u>EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT (ERN) WITH EL TORO BREWING</u></b> .....	247
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Accept</u></b> the Recommendations; and	
		2. <b><u>Provide</u></b> Direction to Staff as Needed.	

***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
16.	10 Minutes	<b><u>AN ORDINANCE ADDING SECTION 1.18.055 TO THE MUNICIPAL CODE DEFINING RECOVERABLE COSTS OF ABATEMENT FOR NUISANCES</u></b> .....	253
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Motion to Waive</u></b> the Reading in Full of the Ordinance Enacting Section 1.18.055 of the Municipal Code.	
		2. <b><u>Motion to Introduce</u></b> Ordinance Enacting Section 1.18.055 of the Municipal Code by Title Only. (Roll Call Vote)	

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
17.	5 Minutes	<b><u>COYOTE VALLEY SPECIFIC PLAN STAKEHOLDER MEETING</u></b> ..... <b><u>Recommended Action(s):</u></b> <u>Identify</u> Council Representative(s) to Participate in Stakeholder Meeting.	257
18.	5 Minutes	<b><u>ECONOMIC DEVELOPMENT SUBCOMMITTEE MEMBERSHIP ROTATION</u></b> ..... <b><u>Recommended Action(s):</u></b> <u>Approve</u> the Mayor's Rotation Appointment to the Economic Development Subcommittee.	259
19.	10 Minutes	<b><u>URBAN LIMIT LINE STUDY – AMENDMENT OF CONTRACT WITH MOORE IACOFANO GOLTSMAN AND REALLOCATION OF APPROPRIATED FUNDS</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <u>Approve</u> an Amendment to the Contract with Moore Iacofano and Goltsman (MIG); and 2. <u>Authorize</u> the use of the Contract's \$20,050 Contingency.	261
20.	10 Minutes	<b><u>REGULATION OF WIRELESS ANTENNAS AND OTHER TELECOMMUNICATIONS FACILITIES</u></b> ..... <b><u>Recommended Action(s):</u></b> <u>Provide Direction</u> to Staff.	325
21.	5 Minutes	<b><u>SCHEDULE DATE(S) TO INTERVIEW APPLICANTS TO FILL UPCOMING VACANCIES ON THE LIBRARY AND PARKS &amp; RECREATION COMMISSIONS</u></b> ..... <b><u>Recommended Action(s):</u></b> <u>Identify Date(s)</u> to Conduct Interviews.	327
22.	10 Minutes	<b><u>ORAL REPORT ON FIRE CONTRACT NEGOTIATIONS</u></b> <i>(No Staff Written Report)</i>	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**